

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

1 JAMES P. ROSSER, JR., ) No. CV-04-0430-MWL  
2 Plaintiff, ) ORDER GRANTING JOINT MOTION  
3 vs. ) FOR ORDER OF STIPULATED REMAND  
4 )  
5 JO ANNE B. BARNHART, )  
6 Commissioner of Social )  
7 Security, )  
8 Defendant. )  
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16 The parties have jointly moved for a stipulated order of  
17 remand for further proceedings. The court GRANTS the joint motion.

18 **IT IS ORDERED** that the Commissioner's decision in regard to  
19 Plaintiff's application for Supplemental Security Income  
20 disability benefits under Title XVI of the Social Security Act be  
21 **REVERSED** and **REMANDED** to the Commissioner of Social Security for  
22 further administrative proceedings pursuant to sentence four of 42  
23 U.S.C. § 405(g).

24 On remand, an administrative law judge (ALJ) will be  
25 directed:

- 26 1. to offer plaintiff an opportunity for a new hearing, and  
27 to submit additional evidence, testimony, and/or arguments.
- 28 2. to further evaluate the nature and severity of plaintiff's

1 mental impairments and their effects. In so doing, the ALJ will  
2 be directed to reconsider the opinions of Debra A. Brown, Ph.D.,  
3 (Tr. 166-69, 178-81), James Bailey, Ph.D., (Tr. 279, 284), and Hi  
4 Y. Lee, M.D., (Tr. 183, 210-49, 295-302), and provide rationale to  
5 explain the weight given to these medical source opinions.

6 4. to make findings regarding the severity of limitations due  
7 to plaintiff's mental impairments in each of the functional areas  
8 (activities of daily living; social functioning; concentration,  
9 persistence and pace; episodes of decompensation). In addition,  
10 the ALJ will be directed to consider and address Dr. Lee's opinion  
11 that plaintiff needs to change positions (Tr. 183).

12 5. to take any further action necessary to complete the  
13 administrative record and issue a new decision in this matter.

14 DATED this 2nd day of August, 2005.

15 s/ Michael W. Leavitt

16 MICHAEL W. LEAVITT  
17 UNITED STATES MAGISTRATE JUDGE

18 Presented by:

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